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BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			LEWIS, DAVID LEE	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/721,790  
Filing Date: November 22, 2000  
Appellant(s): SIMMERS, CHARLES R.

\_\_\_\_\_  
Kenneth M. Seddon  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8/27/2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The appellant's statement of the grouping of claims in the brief is correct

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

5,881,299	NORMURA ET AL.	3-1999
5,414,444	BRITZ	5-1995
D377,341	IMANI ET AL.	1-1997

Microsoft Press, Computer Dictionary, Second Edition, (1994), pp. 296 "PDA"

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claim Rejections - 35 U.S. C. § 102**

1. **Claims 1, 5, 7-9, 12-22, and 24-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Nomura et al. (5881299).**
2. **As in claim 1, Nomura et al. teaches of in an information device, figures 1-4, 7, and 8, having a CPU, figure 1 item 10, display controller and a display panel, figure 1 items 14 and 18, said display panel split logically into sub-panels, figure 1 items Areal and Area2, an apparatus comprising: a plurality of segment drivers coupled between said display panel and said display controller, said segment drivers receiving**

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input data from said controller, **figure 1 items 18**, said segment drivers translating said data into pixels displayable on said display panel, **figure 1 items Area2 and Areal**; and a power control block coupled to said CPU and to said segment drivers to disable a first power source which powers down a first set of said segment drivers, **figure 1 items 20 and 22**, said powering down disabling a first set of sub-panels of said display panel from outputting pixels, **figure 1 area 2**, said power control block disabling said first power source upon receiving a command from said CPU that said first set of sub-panels are to be powered down, **figure 1 items 20 and 10**, said information device functioning as one of a cellular communications device, figure 1 item 28, and a personal digital assistant, **figure 1 item 12, figure 4 items area 1 and area 2, column 5 lines 20-25 and 63-64**, said first set of sub-panels displaying information relevant to said personal digital assistant function, **figure 4 item area 2**, further wherein said display panel includes a second set of sub-panels displaying information relevant to said cellular communications function, **figure 4 item area 1**. Wherein Normura et al. teaches of a cellular communications device as well known and evidenced by **figure 1 item 28 and figure 3 item 29**, illustrating a communication device and antenna. Further Normura et al., teaches of a personal digital assistant as well known and evidenced by, **figure 4 item area 2**, a telephone book feature for storing names and numbers, **column 5 lines 60-65**, and stylus input means, **column 5 lines 20-25**.

3. As in claim 5, Nomura et al. teaches of in an information device, figure 8, having a CPU, figure 8 item 100, display controller, figure 8 item 101, and two display panels,

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figure 8 items Areal and Area2, an apparatus comprising: a first set of segment drivers coupled to said display controller to receive as input a first set of data, said first set of segment drivers translating said first set of data into pixels output on a first of said display panels, figure 8 items 105b and 105c; a second set of segment drivers coupled to said display controller and said first set of segment drivers to receive a second set of data, said second set of segment drivers translating said second set of data into pixels output on a second of said display panels, figure 8 items 105b and 105d; and a power control block coupled to said CPU and to said first and second set of segment drivers to disable a first power source which powers down said second set of segment drivers, said powering down disabling said second display panel from outputting pixels, said information device functioning as one of a cellular communications device and a personal digital assistant, said second display panel displaying information relative to said personal digital assistant function, further wherein said first display panel displaying information relevant to said cellular communications function, figure 8 items 101 and 106, wherein the controller 101 coupled to the CPU 100 inputs power from the power supply 106, and controls input power for drivers 105, turning on/off the power supply of the liquid crystal under the control of the CPU, column 7 lines 10-15, column 8 lines 10-67.

4. As in claim 7, Nomura et al. teaches of an information device having a single display panel logically split into a first and second sub-panel, figure 3 items Areal and Area2, said device comprising: a top shell including a top inner shell and a top outer

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shell, said top outer shell on the opposing side of said top inner shell, said top inner shell containing said display panel, figure 3 items 30 (outer) and 31 (inner); a joint coupled to said top shell for folding said device, figure 3 item 30 display cover hinge connecting items 30 and 31, not fully illustrated but said joint inherent; and a bottom shell coupled to said top shell through said joint, said bottom shell including a bottom inner shell and a bottom outer shell, said bottom outer shell on the opposing side of said bottom inner shell, said bottom shell having an open area, figure 3 items Area1 and Area2, wherein said open area leaves visible said first sub-panel and hides said second sub-panel when said device is closed about said joint, wherein when said device is closed, a first power signal is disabled to power down said second subpanel and a second power signal is enabled to power said first sub-panel, said information device functioning as one of a cellular communications device and a personal digital assistant, said second sub-panel displaying information relevant to said personal digital assistant function, and said first subpanel displaying information relevant to said cellular communications function, figure 3 items 18, 26, 30, and 31, column 5 lines 6-31. As in claims 8 and 9, Nomura teaches of said open and functioning states, figure 3, column 5 lines 10-50, column 6 lines 14-31.

5. As in claim 12, Nomura teaches of an apparatus comprising: a wireless communication module, figure 1 item 28; a computing module, figure 1 item 10; a display, wherein the display is adapted to display information related to the wireless communication module and the computing module, figure 1 item 18; and a display

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controller adapted to disable a first portion of the display and enable a second portion of the display, figure 1 item 20.

6. Further as in claim 13, Nomura teaches wherein the first portion of the display is adapted to display information related to the wireless communication module, figure 3, column 6 lines 14-60. As in claim 14, Nomura teaches wherein the second portion of the display is adapted to display information related to the computing module, figure 3, column 6 lines 14-60. As in claim 15, Nomura teaches wherein the first portion is adapted to display information related only to the wireless communication module, figure 3, column 6 lines 14-60. As in claim 16, Nomura teaches wherein the computing module is adapted to operate as a personal digital assistant, figure 12. As in claim 17, Nomura teaches further comprising at least two segment drivers coupled to the display and the controller, figure 1. As in claim 18, Nomura teaches wherein the display controller is adapted to disable the first portion of the display while the second portion of the display is enabled, figure 3, column 6 lines 1460.

7. As in claim 19, Noruma teaches of an apparatus comprising: a display controller adapted to disable a first portion of a display while enabling a second portion of a display, the first portion of the display adapted to display information from a wireless communication device and the second portion of the display adapted to display information from a personal digital assistant, figure 1 item 20, column 5 lines 10-50.



8. As in claim 20, Noruma teaches said display enable/disablement, column 4 lines 25-55, column 6 lines 14-60. As in claim 21, Noruma teaches at least two segment drivers, figure 1. As in claim 22, Noruma teaches first and second contiguous portions, figure 1 and 3.

9. As in claim 24, Noruma teaches of a method comprising: displaying information related to a wireless communication device on a first portion of a display, column 3 lines 47-59, column 4 lines 40-55; disabling the first portion of the display, column 4 lines 17-55; and displaying information related to a personal digital assistant on a second portion of the display, column 4 lines 17-55, column 5 lines 10-50.

10. Further as in claim 25, Noruma teaches of disable/enablement simultaneously, column 4 lines 5-55, column 6 lines 40-45. As in claim 26, Noruma teaches of displaying wireless communication information, column 5 lines 49-67. As in claim 27, Noruma teaches of simultaneous wireless and digital information, column 5 lines 49-67.

11. As in claim 28, Noruma teaches of an article comprising: a storage medium having stored thereon instructions that when executed by a computing platform results in displaying information on a first portion of a display, wherein the information is related to a wireless communication module, column 7 lines 1-10; displaying information on a second portion of a display, wherein the information is related to an application program running on the computing platform, column 7 lines 1-20; and disabling the first portion of

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the display while displaying information on the second portion of the display, column 7 lines 1-20, figure 3.

12. Further as in claim 29, Noruma teaches of instructions disabling display, column 7 lines 1-20. As in claim 30, Noruma teaches of disabling a first and second segment driver, column 7 lines 1-30. As in claim 31, Noruma teaches of disabling a second portion while displaying a first portion, column 7 lines 1-20. As in claim 32, Noruma teaches of simultaneously displaying on a first and second portion, column 7 lines 1-20.

#### **Claim Rejections - 35 U.S. C. § 103**

13. Claims 2-4, 6, 10, 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura et al. (5881299) in view of Britz (5414444) and Imai et al. (Des377341).

14. As in claims 10 and 23, Nomura et al. teaches of an information device as applied above to claims 1, 5, and 7, however Nomura et al. does not explicitly teach of having two separate display panels, each display panel on separate physical planes. However this distinction would be an obvious design choice in view of Nomura's teaching of a first display and second display area which are independently driven, each area being structurally different, wherein a second area is formed of 160x239 pixels and the first area is formed by 1x8 pixels, said first area comprised of 8 physically larger

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pixels than the second area and not of a matrix type, said first and second displays controlled to conserve power. Given the design structural differences and their independently driven construction, it would be an obvious design choice provide said displays on separate physical planes, to accommodate their pixel structural differences. Imai et al. obviously teaches of a well known variation of the device as taught by Britz, wherein Britz teaches of a first display figure 1 item 101, figure 6 item 101 and a second display, figure 2 item 121, figure 6 item 121, such that it would have been obvious to power save by disabling the portions of the second display area not in use while operating the device in the communication mode, as taught by Britz, and obviously modified by Imai et al., wherein the top portion of the multimedia display as taught by Imai et al., would not need to function during said communication mode. Therefore Britz teaches the need for two displays operating on separate physical planes, wherein during a communication mode, a portion of the multimedia display 121 corresponding to the communication mode display 101 would not need to be in use, given that display 101 would be functioning, further wherein as modified by Imai et al., an additional portion of multimedia display, positioned above the corresponding communication display, or in other words, the top portion of the multimedia display, would not need to be functioning while in the communication mode, as taught by Noruma et al, as found in claims 10 and 23.

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15. Further as in claims 2, Noruma teaches of obviously teaches of said second power source which powers down a second set of said segment driver, figure 1, column 3 lines 46-59, column 4 lines 5-46, and column 7 lines 29-36. As claim 3, Noruma obviously teaches of independent switching, column 7 lines 1-45. As in claim 4, Noruma obviously teaches of a normally open latch/switch, column 4 lines 35-47, column 5 lines 10-25, column 6 lines 1-45. As in claim 6, Noruma obviously teaches of said second power source which powers down said first set of segment drivers, figure 1, column 3 lines 46-59, column 4 lines 5-46, and column 7 lines 29-36. As in claim 11, Nomura teaches of powering said first and second display, column 7 lines 1-30.

**(11) Response to Argument**

A) Appellant argues Nomura et al. does not contain any express teaching or suggestion of a "Personal Digital Assistant" (PDA). Examiner disagrees based on the definition of PDA absent from the Appellants specification but provided by Microsoft Press Computer Dictionary (1994), page 296. PDA – computer designed to provide specific functions such as personal organization as well as communication. Current PDA devices rely on a pen for input instead of a keyboard or mouse. Nomura teaches of a device with a CPU, figure 1 item 10, therefore it meets the computer limitation. Nomura teaches of a device with a personal organization function, column 5 lines 63-64, figure 4 item area2, said telephone book feature, and therefore meets the personal organization limitation. Nomura teaches of a phone function and antenna, figure 1 item 28 and figure 3 item 29, therefore it meets the communication limitation. Nomura teaches of a pen input means, column 5 lines 20-25, and therefore it meets the known PDA input means limitation. Therefore the device taught by Nomura meets every known limitation of a PDA as defined in the art. The Appellants arguments are not persuasive.

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B) Appellant argues Nomura cannot inherently teach a personal assistant as this is contrary to the express teaching of Normura et al.. The Examiner disagrees. As argued above Nomura explicitly teaches of every limitation known to define a PDA. The device of Nomura is in fact a PDA because it comprises a CPU, telephone book organizing feature, communication phone feature, and PDA pen input means.

C) Appellant argues Nomura does not contain any teaching or suggestion of a multifunctional device. The Examiner disagrees. The device of Nomura is in fact a a multi-functional device because it comprises a CPU, telephone book organizing feature, communication phone feature, and PDA pen input means. Noruma includes at least a personal digital assistant and a cellular communication device, and therefore is a multifunctional device. Noruma also teaches of the phonebook organizing feature to be used in conjunction with the communication feature in the same device.

**SUMMARY:** Appellant argues Nomura et al. does not contain any express teaching or suggestion of a "Personal Digital Assistant" (PDA). Examiner disagrees based on the known definition of PDA and the explicit teaching of Nomura, figures 1-4. Definition: PDA – computer designed to provide specific functions such as personal organization as well as communication. Current PDA devices rely on a pen for input instead of a keyboard or mouse. The device of Nomura is in fact a PDA because it comprises a CPU, a telephone book organizing feature for storing names and numbers, a communication phone feature for communicating, and pen based input means.

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June 25, 2004

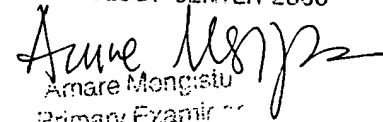
Conferees

Bipin Shalwala (SPE)

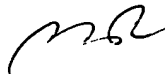


BIPIN SHALWALA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Amare Mengistu (Primary Examiner)



Amare Mengistu  
Primary Examiner



Michael Razavi (SPE)



David L. Lewis (Examiner)

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
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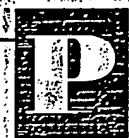
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Selectric. The Enter and Shift keys, for example, are notably smaller than on the Selectric; there is an extra key (with a backslash and vertical bar) between the Z key and the left shift key; and there is another extra key (with the grave accent and the tilde) between the quote key and the Enter key. Other annoyances on the keyboard included the lack of lights to indicate the status of the Caps Lock, Scroll Lock, and Num Lock keys.

**PDA** Abbreviation for Personal Digital Assistant, a term describing a lightweight palmtop computer designed to provide specific functions such as personal organization (calendar, note taking, database, calculator, and so on.) as well as communications. More advanced models also offer multimedia features through a CD-ROM player. Future enhancements are expected to include voice recognition and the ability to scan in documents via the display, plus expanded communications functions including the ability to access real-time, individually tailored "newspapers."

Current PDA devices rely on a pen for input instead of a keyboard or mouse. In addition, unlike regular portable computers, a PDA is not intended to run commercially available application software. All of a PDA's software is firmware built into the device, and any additional software is generally installed by means of a plug-in PC Card or related device. For data storage, a PDA relies

on flash memory instead of power-hungry disk drives. For communications, a PDA uses cellular or wireless technology that is often built into the system but which can be supplemented or enhanced by means of a PC Card. *See also* firmware, flash memory, PC Card, pen computer.

**PDL** *See* page-description language.

**PDM** *See* pulse duration modulation.

**peek** To read a byte from an absolute memory location. POKE (store a byte in memory) and PEEK commands are often found in programming languages, such as BASIC, that do not normally allow access to specific memory locations. *Peek* can also refer to the act of looking at the next character in a buffer associated with a keyboard or other sequential input device without actually removing the character from the buffer.

**peer** Any of the devices on a layered communications network that operate on the same protocol level. *See also* network architecture.

**peer-to-peer communications** Interaction between devices that operate on the same communications level on a network based on a layered architecture. *See also* network architecture.

**pel** An older acronym for picture element (pixel). *See also* pixel.

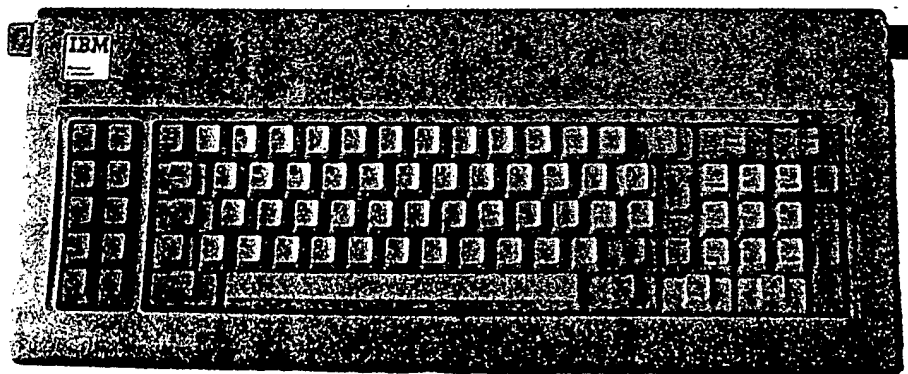
**pen** *See* light pen, stylus.

**pen computer** A term describing a class of computers whose primary input device is a pen in-

stead of a keyboard. A pen computer is a small, handheld device that can be used for personal organization, such as calendar, note taking, and database. It can also be used for communications, such as fax, email, and web browsing. The pen computer is a type of PDA (Personal Digital Assistant).

A pen computer is a type of PDA (Personal Digital Assistant). It is a small, handheld device that can be used for personal organization, such as calendar, note taking, and database. It can also be used for communications, such as fax, email, and web browsing.

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PC/XT keyboard.